



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Steve Mitchell

Appln. No.: 10/685,139

Confirm. No.: 4489

Filed: October 14, 2003

Title: INTERSPINOUS PROCESS AND SACRUM  
IMPLANT AND METHOD

PATENT APPLICATION

Art Unit: 3732

Examiner:

Customer No. 23910

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Art Unit 3732, Alexandria, Virginia 22313-1450, on September 14, 2004.

(Attorney Signature)

Sheldon R. Meyer, Reg. No. 27,660

Signature Date: September 14, 2004

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Art Unit 3732  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application -- Filing Date Granted, dated 07/14/2004, enclosed are the following documents in connection with the above-identified application:

- ☒ Copy of Notice to File Missing Parts -- Filing Date Granted
- ☒ Declaration for Patent Application
- ☐ Assignment and Assignment Recordation Form Cover Sheet
- ☐ Power of Attorney
- ☐ Petition for an Extension of Time pursuant to 37 C.F.R. §1.136(a) for responding to the Notice to File Missing Parts
- ☐ Information Disclosure Statement under 37 C.F.R. §1.56

Preliminary Amendment

**Small Entity Statement**

Applicant(s) qualify for small entity status under 37 C.F.R. § 1.27.

**Patent Application Filing Fee**

The patent application filing fee (if applicable) is calculated as shown below:

For	Number Filed	Number Extra	Rate Small Entity/Other Than Small Entity	Total
BASIC FEE (37 CFR 1.16(a))			\$385.00 \$770.00	\$
TOTAL CLAIMS (37 CFR 1.16(c))	___ - 20	___ *	X \$ 9.00 X \$ 18.00	\$
INDEPENDENT CLAIMS (37 CFR 1.16(b))	___ - 3	___ *	X \$ 43.00 X \$ 86.00	\$
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))			+ \$145.00 + \$290.00	\$
			TOTAL	\$

\*If the difference in column 1 is less than zero, enter "0" in column 2.

**Total Fee**

The Total Fee associated with this communication has been calculated as shown below:

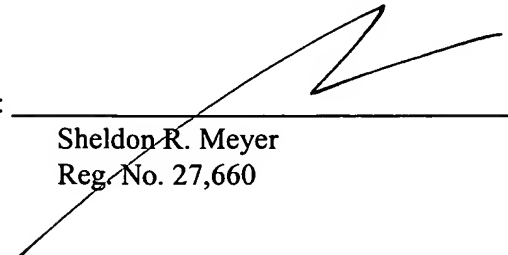
—	Patent application filing fee	\$
—	Net fee for extension of time	\$
—	Assignment recording fee (\$40.00)	\$
✓	Surcharge under 37 C.F.R. §1.16(e) for late filing of filing fee or Declaration:	
—	Large Entity \$130.00	\$
✓	Small Entity \$ 65.00	\$65.00
TOTAL FEE DUE:		\$65.00

**Method of Payment of Fees**

- ☒ A check in the amount of the TOTAL FEE DUE is enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiencies or credit overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Date: September 14, 2004

By:   
Sheldon R. Meyer  
Reg. No. 27,660

FLIESLER MEYER LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone (415) 362-3800

Ifw#



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/685,139	SEP 16 2004 10/14/2003	Steve Mitchell	KLYC-01075US1 SRM

CONFIRMATION NO. 4489

## FORMALITIES LETTER



\*OC000000013237216\*

Sheldon R. Meyer  
 FLIESLER DUBB MEYER & LOVEJOY LLP  
 Four Embarcadero Center  
 Fourth Floor  
 San Francisco, CA 94111-4156

Date Mailed: 07/14/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

09/17/2004 MAHME1 00000030 10685139

01 FC:2051

65.00 OP

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in black ink, appearing to be 'nh' followed by a horizontal line.

---

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE